

Message

From: Brahmbhatt, Roshni (she/her) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1C7E3413BAA444FD8A7E15D2ABA7846F-RBRAHMBH]
Sent: 5/12/2022 1:15:11 AM
To: Kevin Orellana [korellana@aqmd.gov]
CC: Victor Yip [VYip@aqmd.gov]; Terrence Mann [tmann@aqmd.gov]
Subject: Re: Discussion with EPA R9 and Kim Konte

Thank you for the update.

Roshni Brahmbhatt | Pronouns: she/her
Manager, Air Enforcement Section
Region 9 Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
Email: Brahmbhatt.Roshni@EPA.gov
Work Phone: 415-972-3995
Cell Phone: 415-697-5673

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On May 6, 2022, at 4:12 PM, Kevin Orellana <korellana@aqmd.gov> wrote:

Hi Roshni,
We received two complaints this morning alleging asphalt odors from All American Asphalt in Irvine. Our inspector who was in the area immediately investigated, but was not able to confirm the odors with both complainants. Ms. Konte was not among those two complainants, however.

Let me know if you need any other information. Thank you and have a great weekend.

Sincerely,

Kevin Orellana
Senior Enforcement Manager
Industrial/Commercial/Governmental Operations
Office of Compliance and Enforcement
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
(909) 396-3492

From: Brahmbhatt, Roshni (she/her) <brahmbhatt.Roshni@epa.gov>
Sent: Friday, May 6, 2022 11:34 AM
To: Victor Yip <VYip@aqmd.gov>; Kevin Orellana <korellana@aqmd.gov>
Cc: Terrence Mann <tmann@aqmd.gov>
Subject: FW: Discussion with EPA R9 and Kim Konte

Hi Kevin,

I wanted to confirm if SCAQMD received a complaint this morning from the following citizen.

Thank you,
Roshni

Roshni Brahmbhatt | Pronouns: she/her
Manager, Air Enforcement Office (ENF 2-1)
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9
Email: Brahmbhatt.Roshni@EPA.gov
Work Phone: 415-972-3995
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Thank you.

From: Kim Konte <kim@nontoxicneighborhoods.org>
Sent: Friday, May 6, 2022 10:22 AM
To: Brahmbhatt, Roshni (she/her) <brahmbhatt.Roshni@epa.gov>
Cc: Chan, Janice <Chan.Janice@epa.gov>; Gill, Sonam <Gill.Sonam@epa.gov>; Lesley Tan <[Ex.6PersonalPrivacy\(PP\)@epa.gov](mailto:Ex.6PersonalPrivacy(PP)@epa.gov)>; Kevin Lien <[Ex.6PersonalPrivacy\(PP\)@epa.gov](mailto:Ex.6PersonalPrivacy(PP)@epa.gov)>; Dennis Lo <[Ex.6PersonalPrivacy\(PP\)@epa.gov](mailto:Ex.6PersonalPrivacy(PP)@epa.gov)>; NTN Advisors <advisors@nontoxicneighborhoods.org>; Rios, Gerardo (he/him) <Rios.Gerardo@epa.gov>; Gillam, Laura Haynes (EPW) <Laura_Gillam@epw.senate.gov>
Subject: Re: Discussion with EPA R9 and Kim Konte

Hi Roshni,

I hope this email finds you well. We wanted to share again this morning while our kids are at their open-air designed schools we had more noxious odors flood our community and schools. We are also trying to understand how the City of Irvine is allowing a non-compliant business to operate at the communities expense? Again what is the point of the Clean Air Act and other health-protective legislation if it's not enforced?

Can't someone please step in with an emergency injunction to halt production until this large facility(per SCAQMD) is made compliant?

Regardless of whether or not the facility(AAA) was notified, failure to comply is in violation of the California Health and Safety Code § 42402.3

All American Asphalt is not compliant with:

- <!--[if !supportLists]--><![endif]-->AB 2588 "Hot Spots" program
- <!--[if !supportLists]--><![endif]-->The Clean Air Act - specifically Rule 3001 of the Clean Air Act
- <!--[if !supportLists]--><![endif]-->Prop 65
- <!--[if !supportLists]--><![endif]-->California Health and Safety Code § 42402.3

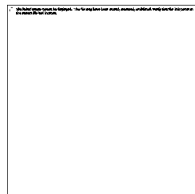
This week marks the one-year anniversary when SCAQMD received AAA's Title V permit application that SCAQMD has done nothing about. How is this lack of oversight allowed?

Title V Permitting

*Based on the facility's self-reported emissions through the South Coast AQMD's Annual Emissions Reporting program, the reported emissions in 2018 and 2019 may have triggered Title V applicability. Therefore, on Feb 4, 2021, **AAA was notified to submit an Initial Title V permit application, which was submitted on May 5, 2021. South Coast AQMD is currently reviewing the Title V permit application to determine if the facility will be brought into the Title V permitting program.***

We look forward to hearing back from you!

In Gratitude,



Kim Konte

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On Wed, Apr 13, 2022 at 4:22 PM Brahmbhatt, Roshni (she/her) <brahmbhatt.Roshni@epa.gov> wrote:

Hi Kim,

Thanks for your email and the email from earlier this week. My team is looking into this facility, and we have been following up with SCAQMD as well.

I have also reached out to my counterpart Gerardo Rios, who is the Air Permitting Manager in EPA Region 9, in case he has any insights on your permitting concerns.

Sincerely,

Roshni

Roshni Brahmbhatt | Pronouns: she/her

Manager, Air Enforcement Office (ENF 2-1)

Enforcement and Compliance Assurance Division

U.S. Environmental Protection Agency, Region 9

Email: Brahmbhatt.Roshni@EPA.gov

Work Phone: 415-972-3995

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From: Kim Konte <kim@nontoxicneighborhoods.org>

Sent: Wednesday, April 13, 2022 4:16 PM

To: Brahmbhatt, Roshni (she/her) <brahmbhatt.Roshni@epa.gov>

Cc: Chan, Janice <Chan.Janice@epa.gov>; Gill, Sonam <Gill.Sonam@epa.gov>; Lesley Tan

Ex. 6 Personal Privacy (PP) Kevin Lien <**Ex. 6 Personal Privacy (PP)**>; Dennis Lo

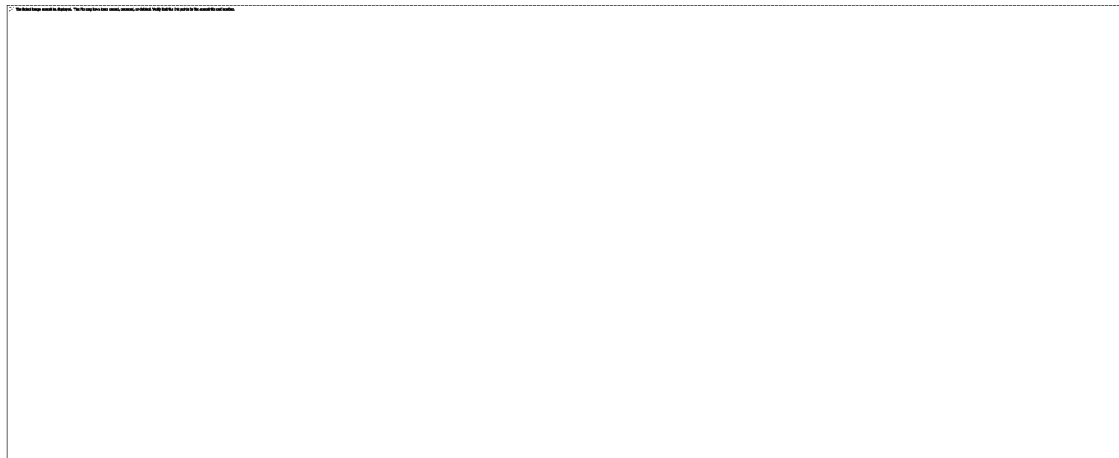
Ex. 6 Personal Privacy (PP) TN Advisors <advisors@nontoxicneighborhoods.org>; Gillam, Laura Haynes (EPW) <Laura_Gillam@epw.senate.gov>

Subject: Re: Discussion with EPA R9 and Kim Konte

Hi Roshni,

We wanted to loop back with you on this ongoing public health crisis. We need your help and hope that you and your team can take the action needed to protect our kids from this massive and non-compliant polluter in your region.

We have been asking for help from SCAQMD, CARB, and now your team at the EPA and we are still without any safeguards. Who is responsible for allowing AAA to operate with impunity and without consequence other than to our community? Please notice the dramatic increase of HAPs when receptors are only 2,000 ft from the plant:



In 2020 AAA was already the largest emitter of benzene in the city by 40 times the amount of the second-largest emitter - B. Bruan Medical.

**SCAQMD Monitored “Large” Facilities in
Irvine
– 2020 Facility Emissions**

Facility	VOCs (tons)	Benzene (lbs)	Chromium, Hexavalent (lbs)	Formaldehyde (lbs)
All American Asphalt	7.9	221.6	0.27	1,781.0
Bowerman Power	9.0	0	0	1.3
Maruchan	6.4	2.5	0	5.2
Allergan	2.1	2.4	0	17.0
Braun Medical	30.2	10.0	0	440.0
UC Irvine	1.0	0	0	1.3

Source: SCAQMD Facility Information Detail (F.I.N.D.) Tool

This plant is dictating the air our children breathe at their open-air designed schools, sports practice and games, and at home, so respectfully if you can't help please just let us know so we can focus our time elsewhere as we don't have time to waste.

In Gratitude,



Kim Konte

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On Mon, Apr 11, 2022 at 10:17 AM Kim Konte <kim@nontoxicneighborhoods.org> wrote:

Hi Roshni,

I hope you had a nice weekend. We are trying to understand how All American Asphalt(AAA) is still operating without consequence. How are they allowed to continue to profit at our expense when AAA is years late in being compliant with AB 2588 and or the Clean Air Act? EPA's Region 8 has been able to take health-protective action against a polluter impacting a community in CO. We want to try and understand why you can't do the same? Is it because AAA is still not listed as a Title V Facility? We are hopeful you can take action as the emissions have dramatically increased and again AAA is only 2,000 feet from receptors.

Environmental Justice and Win Against A Major Corporate Polluter

The EPA issued a letter objecting to Colorado state's permit renewal request for the Suncor Refinery. The plant "raises significant environmental justice concerns, as illustrated by the severity of pollution and described health impacts facing the communities living in proximity to the Suncor site."

Residents should not have been responsible for appealing the permit South Coast AQMD awarded AAA in Irvine for the crumb rubber blending system - #2147-10 3d Party Appeal – All American Asphalt. The permit approval was defective as a result of numerous flaws in SC AQMD's permit evaluation, including in the sufficiency of the AAA source testing. These breaches include:


- Failure to source test and evaluate AAA operations at full capacity of production, given the Carbon Adsorber remediation system designed for a much lower capacity,
- Failure to test and measure numerous other sources of fugitive emissions, such as outside storage and conveyance systems
- Failure to evaluate the undersized carbon adsorption system for emissions during start-up and shut-down processes and for protections from malfunction emissions;
- Failure to fully evaluate all constituents of toxic emissions (H.C., VOCs, sulfurous compounds, PM2.5, metals).
- Failure to properly consider the impact of so-called short-term but continuous emissions on sensitive populations like children based on the locations of the receptors. Receptors(homes) that are only 2,000 feet from AAA.
- Failure to be compliant with rule 3001 of the Clean Air Act and follow the Clean Air Act's permitting process.

Title V Permitting

*Based on the facility's self-reported emissions through the South Coast AQMD's Annual Emissions Reporting program, the reported emissions in 2018 and 2019 may have triggered Title V applicability. Therefore, on Feb 4, 2021, AAA was notified to submit an Initial Title V permit application, which was submitted on May 5, 2021. South Coast AQMD is currently reviewing the Title V permit application to determine if the facility will be brought into the Title V permitting program. The status of all permit applications can be accessed through the South Coast AQMD FIND using Facility ID 88207. If the facility is brought into the Title V program, the permit will be made available on the website and will be required to be renewed every five years using the same public noticing process. **How can AAA continue to be in violation of rule 3001 of the Clean Air Act?***

*Can your team find out why SCAQMD has failed to hit AAA with penalties for their gross negligence and failures to be compliant with both the "Hot Spots" Act as well as the Clean Air Act? **"Depending on the violation, civil penalties range from \$500 to \$25,000 for each day the infraction remains uncorrected. SB 1731 also penalizes for noncompliance. It specifies that the facility operator is subject to civil penalties for failure to submit a complete audit and plan or failure to implement the measures set forth in the plan."***

All American Asphalt has been caught underreporting their heavy metal emissions and also expanded their operations without the permits to do so as seen in this short video - <https://vimeo.com/646280296>

 South Coast Air Quality Management District 21869 COMPTON DRIVE, DIAMOND BAR, CA 91765-4171		P 68583 DATE OF VIOLATION 11 OCT 13			
NOTICE OF VIOLATION					
Name: <u>All American Asphalt, All Amer Aggregates</u> Address: <u>10671 Jeffrey Rd.</u> <u>PO Box 2029</u>		Phone: <u>92207</u> <u>OK</u> City: <u>Irvine</u> <u>Corona</u> State: <u>92602</u> <u>91718</u>			
YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN CITED FOR ONE OR MORE VIOLATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) RULES, STATE LAW OR FEDERAL LAW. IF PROVEN, SUCH VIOLATION(S) MAY RESULT IN THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES.					
EACH DAY A VIOLATION OCCURS MAY BE HANDLED AS A SEPARATE OFFENSE REGARDLESS OF WHETHER OR NOT ADDITIONAL NOTICES OF VIOLATION ARE ISSUED.					
DESCRIPTION OF VIOLATIONS					
#	Category	Code Section (if Rule No.)	SCAQMD Permit to Operate or JARS Registration No.	Condition(s) of Violation	Description of Violation
1	<input checked="" type="checkbox"/> SOQMSD <input type="checkbox"/> CHABC <input type="checkbox"/> CCR <input type="checkbox"/> CCR	203 (a)			Operating a portable compressor, asphalt blending system and a portable process heater without a valid stationary Permit to Operate.
2	<input checked="" type="checkbox"/> SOQMSD <input type="checkbox"/> CHABC <input type="checkbox"/> CCR <input type="checkbox"/> CCR	203 (a)			Operating an electrostatic precipitator without a valid Permit to Operate.
3	<input checked="" type="checkbox"/> SOQMSD <input type="checkbox"/> CHABC <input type="checkbox"/> CCR <input type="checkbox"/> CCR	203 (b)	60864	3	Operating an asphalt batch plant without venting system 5-2 to an air pollution control device.
4	<input checked="" type="checkbox"/> SOQMSD <input type="checkbox"/> CHABC <input type="checkbox"/> CCR <input type="checkbox"/> CCR	1196 (d)(6)	642315 620378		Failing to conduct source tests on two thermal fluid heaters between 5 and 10 million BTU every 5 years.
5	<input checked="" type="checkbox"/> SOQMSD <input type="checkbox"/> CHABC <input type="checkbox"/> CCR <input type="checkbox"/> CCR	1155 (e)(1)	F71177 628646 628648		Failure to conduct weekly visible emission checks on baghouses.
Signed by: <u>Dan Stinson</u> Title: <u>Operations Manager</u>		Date: <u>10/31/13</u> Signature: <u>Peter Campbell</u> Title: <u>10/31/13</u>			
How to Notify Address: <u>distinson@allamericanasphalt.com</u> Phone: <u>909-396-3185</u> <u>310-233</u>		How to Notify Address: <u>pcampbell@allamericanasphalt.com</u> Phone: <u>909-396-3185</u> <u>310-233</u>			
How to Notify Address: <u>distinson@allamericanasphalt.com</u> Phone: <u>909-396-3185</u> <u>310-233</u>					
Method of Service: <input type="checkbox"/> In Person <input checked="" type="checkbox"/> Certified Mail					

Our kids need protection from the largest non-compliant polluter in Irvine and we look forward to hearing from you.

In Gratitude,



Kim Konte

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On Wed, Mar 9, 2022 at 9:23 AM Gill, Sonam <Gill.Sonam@epa.gov> wrote:

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[sip:teams@video.epa.gov](tel:sip:teams@video.epa.gov)

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Or call in (audio only)

Ex. 6 Personal Privacy (PP) United States, San Diego

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